

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PATAGON MANAGEMENT LLC,

Plaintiff,

-against-

WEI “MAX” WU,

Defendant.

Case No. 1:23-cv-02742-VM

Hon. Victor Marrero

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss

COUNTY OF NEW YORK)

Will M. Conley, being duly sworn, deposes and says:

1. I am an associate with the law firm of Perkins Coie LLP and have been retained as counsel for Plaintiff Patagon Management LLC (“Plaintiff”). In this capacity and unless otherwise stated, I have personal knowledge of the facts stated herein. I am over the age of 18 and, if called as a witness, could testify competently to those facts based upon that knowledge.

2. On April 26, 2023, at 11:56 PM EDT (10:56 AM CDT), Plaintiff filed a Proposed Order to Show Cause for Temporary Restraining Order and Preliminary Injunction, and Order Granting Alternative Service and supporting documentation for consideration by this Court (Dkt. Nos. 12-16).

3. On April 26, 2023, at 3:40 PM EDT (2:40 PM CDT), this Court granted Plaintiff’s application and issued the proposed order (the “April 26th Order”).

4. The following methods of alternative service were subsequently completed pursuant to the April 26th Order.

5. On April 26, 2023, at 9:06 PM EDT (8:06 PM CDT), I sent notice of these proceedings to email addresses believed to be associated with Defendant (maxawei@gmail.com and spartacusfinance@gmail.com). The email to Defendant provided a link to copies of the filings in the matter (Dkt. Nos. 1-17), including the Amended Complaint, Summons, Ex Parte Application and supporting papers, and the April 26th Order. A true and correct copy of the transmittal email is attached hereto as **Exhibit A**.

6. On April 26, 2023, at 9:12 PM EDT (8:12 PM CDT), I accessed the Spartacus DAO Discord server where Defendant is known to be active and posted a message to the “#general” channel notifying Defendant of the lawsuit while providing a link to copies of the filings in the matter (Dkt. Nos. 1-17), including the Amended Complaint, Summons, Ex Parte Application and supporting papers, and the April 26th Order. A true and correct screenshot of this message is attached as **Exhibit B**.

7. In the message, I “tagged” Defendant using the @ symbol followed by his username “Spartacus (Λ, Λ)”, which is a method by which Defendant would receive a specific notice of the message. In addition, as shown in the top right corner of Exhibit B, Defendant—using the moniker “Spartacus (Λ, Λ)” —was online when I posted the message as indicated by the colored dot next to his name and avatar.

8. In addition, on April 26, 2023, at 9:12 PM EDT (8:12 PM CDT), I sent a direct message to Defendant’s Discord account “Spartacus”, notifying Defendant of the lawsuit while providing a link to copies of the filings in the matter (Dkt. Nos. 1-17), including the Amended


Complaint, Summons, Ex Parte Application and supporting papers, and the April 26th Order. A true and correct screenshot of this direct message is attached as **Exhibit C**.

9. Within minutes after I sent these Discord messages, my post in the “#general” channel was deleted, and my user account was banned from the Spartacus DAO server (and thus unable to send or receive any additional messages or view further server activity).

10. On the basis of my observation that Defendant was online at the time of the messages being sent, and that Defendant has the ability to delete messages and ban users from the server, it is my understanding that the messages were seen by Defendant who took action to remove the “#general” message and ban my account from posting further public information to the server. It is my belief that Defendant took these actions to obscure information about his activities outlined in this lawsuit from other investors who are members of the Discord server.

11. On April 26, 2023, at 9:20 PM EDT (8:20 PM CDT), just eight minutes after I sent the Notice to the Spartacus DAO Discord server as well as to Defendant via direct message, Defendant made a post in the “#announcements” channel, which (i) did not comment on the messages with respect to the lawsuit, and (ii) stated an intention to explicitly disregard this Court’s Order. This message was sent to me by another user, who was not banned from the Discord. The message stated, in part: “We are about to reduce the total liquidity of SPA-DAI on Spookyswap to a total of about \$6M on Unix timestamp 1683129600, that is Wed May 03 2023 GMT+0000.” The message also discusses an intention to move treasury assets. I understand this message to mean that the Defendant intends to contradict the April 26th Order, namely by transferring, removing, or otherwise moving assets in cryptocurrency wallets subject to the April 26th Order, including those associated with Spartacus DAO that are under control of Defendant. A true and correct screenshot of this message is attached as **Exhibit D**.

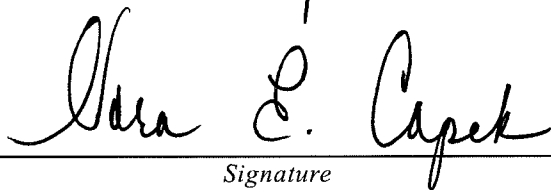
Executed on May 3, 2023.



Will Conley

Subscribed and sworn to before me on this

3rd day of May, 2023



Signature

Notary Public, State of _____
NORA E. CAPEK
Notary Public, State of New York
No. 01CA5072963
Qualified in Queens County,
Commission Expires 2/16/27

My commission expires: _____